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Resolution adopted by the General Assembly on 18 December 2013

[*on the report of the Third Committee (A/68/457)*]

68/190. Standard Minimum Rules for the Treatment of Prisoners

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and inspired by the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

Reaffirming the importance of the United Nations standards and norms in crime prevention and criminal justice, and especially of promoting their implementation,

Re-emphasizing that, in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[1] Member States recognized that an effective, fair and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime and acknowledged the value and impact of the United Nations standards and norms in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

Recalling its resolution 65/230 of 21 December 2010, entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice", in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the expert group to report to the Commission on progress in its work,

[1] Resolution 65/230, annex.

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Recalling also its resolution 67/188 of 20 December 2012, in which it authorized the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners to continue its work, within its mandate, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session,

Recognizing that the Standard Minimum Rules for the Treatment of Prisoners[2] remain the universally acknowledged minimum standards for the detention of prisoners,

Taking into account the progressive development of international instruments relevant to the treatment of prisoners since 1955, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and the Optional Protocol thereto,[4]

Taking into account also the relevance of other United Nations standards and norms in crime prevention and criminal justice related to the treatment of prisoners, namely, the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,[5] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[6] the Code of Conduct for Law Enforcement Officials,[7] the Basic Principles for the Treatment of Prisoners,[8] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),[9] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[10] the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[11] the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[12] and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[13]

Mindful of its resolution 67/166 of 20 December 2012 on human rights in the administration of justice, in which it recognized the importance of the principle that, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms,

Aware that, in its resolution 67/166, it took note of general comment No. 21 on the humane treatment of persons deprived of their liberty, adopted by the Human Rights Committee,[14] and stated its awareness of the need for special vigilance with

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[2] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[4] Ibid., vol. 2375, No. 24841.

[5] Economic and Social Council resolution 1984/47, annex.

[6] Resolution 43/173, annex.

[7] Resolution 34/169, annex.

[8] Resolution 45/111, annex.

[9] Resolution 40/33, annex.

[10] Resolution 45/113, annex.

[11] Resolution 45/110, annex.

[12] Resolution 65/229, annex.

[13] Resolution 67/187, annex.

[14] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40* (A/47/40), annex VI.B.

regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse and humiliation,

Recalling that, in its resolution 67/184 of 20 December 2012 on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, it decided that one of the workshops to be held within the framework of the Thirteenth Congress would be devoted to the topic "Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders",

Taking note with appreciation of the work done by the Expert Group at its meetings held in Vienna[15] and in Buenos Aires,[16] and mindful of the progress achieved at those meetings,

1. *Expresses its gratitude* to the Government of Argentina for hosting the second meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, held in Buenos Aires from 11 to 13 December 2012, and expresses its appreciation for the work done and the progress made at that meeting;

2. *Takes note* of the working paper prepared by the Secretariat examining the preliminary areas for possible consideration, and recognizes that, to a large extent, the paper has captured issues and identified rules of the Standard Minimum Rules for the Treatment of Prisoners[2] to be considered for a comprehensive revision under each preliminary area;

3. *Expresses appreciation* for the submissions of Member States in response to the request to exchange information on best practices and on the revision of the existing Standard Minimum Rules;

4. *Recognizes* the need for the Expert Group to take into account the social, legal and cultural specificities of Member States;

5. *Takes into consideration* the recommendations of the Expert Group with regard to the issues and the rules of the Standard Minimum Rules identified for revision,[17] in the following areas:

(*a*) Respect for prisoners' inherent dignity and value as human beings (rules 6, para. 1; 57-59; and 60, para. 1);

(*b*) Medical and health services (rules 22-26; 52; 62; and 71, para. 2);

(*c*) Disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet (rules 27, 29, 31 and 32);

(*d*) Investigations of all deaths in custody, as well as of any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners (rules 7, proposed 44 bis and proposed 54 bis);

[15] E/CN.15/2012/18.

[16] E/CN.15/2013/23.

[17] E/CN.15/2013/23, paras. 15–24, and UNODC/CCPCJ/EG.6/2012/4, paras. 7–16.

(*e*) Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances (rules 6 and 7);

(*f*) The right of access to legal representation (rules 30; 35, para. 1; 37; and 93);

(*g*) Complaints and independent inspection (rules 36 and 55);

(*h*) The replacement of outdated terminology (rules 22-26, 62, 82 and 83 and various others);

(*i*) Training of relevant staff to implement the Standard Minimum Rules (rule 47);

6. *Decides* to extend the mandate of the Expert Group, authorizing it to continue its work within its mandate with a view to reporting to the Commission on Crime Prevention and Criminal Justice at its twenty-third session, and requests the Secretary-General to ensure that the required services and support are provided for this purpose;

7. *Expresses its gratitude* to the Government of Brazil for its readiness to host a further meeting of the Expert Group to continue the revision process;

8. *Invites* Member States to continue to be engaged in the revision process by submitting to the Secretariat, by 30 September 2013, proposals for revision in the nine areas identified above and to participate actively in the next meeting of the Expert Group, and invites civil society and relevant United Nations bodies to contribute to the process;

9. *Requests* the Secretariat to prepare a working paper integrating all inputs received from Member States, pursuant to paragraph 8 above,[18] for consideration at the next meeting of the Expert Group;

10. *Reiterates* that any changes to the Standard Minimum Rules should not lower any of the existing standards but should improve them so that they reflect the recent advances in correctional science and good practices, so as to promote safety, security and humane conditions for prisoners;

11. *Takes note* of the contribution received from the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture and other submissions received for consideration,[19] and underlines in this regard the valuable contribution of civil society in this process;

12. *Encourages* Member States to improve conditions in detention, consistent with the principles of the Standard Minimum Rules and all other relevant and applicable international standards and norms, to continue exchanging good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, to identify challenges faced in implementing the Rules and share their experiences in dealing with those challenges, and to provide relevant information in that regard to their experts participating in the Expert Group;

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[18] Those inputs include the proposal by the Governments of Argentina, Brazil, South Africa, the United States of America, Uruguay and Venezuela (Bolivarian Republic of), circulated in a conference room paper at the twenty-second session of the Commission on Crime Prevention and Criminal Justice.

[19] Including the summary of an expert meeting held at the University of Essex, United Kingdom of Great Britain and Northern Ireland, on 3 and 4 October 2012 on the review of the Standard Minimum Rules.

13. *Recommends* that Member States endeavour to reduce overcrowding and pretrial detention, where appropriate; promote increased access to justice and legal defence mechanisms; reinforce alternatives to imprisonment such as fines, community service, restorative justice and electronic monitoring; and support rehabilitation and reintegration programmes, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);[11]

14. *Reiterates its request* to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States on request, including assistance in criminal justice and law reform and in the organization of training for law enforcement and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

15. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules for the Treatment of Prisoners, in accordance with the procedures for the effective implementation of the Rules;[5]

16. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

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